

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAYTHANIEL YOUNG,

Plaintiff,

v.

NAPHCARE INC. et al.,

Defendants.

CASE NO. 3:22-cv-05382-DGE

ORDER TO SHOW CAUSE

This matter comes before the Court on its own motion. On May 25, 2022, Plaintiff filed a proposed civil complaint and an application to proceed *in forma pauperis* (“IFP”). (Dkt. No. 1.) United States Magistrate Judge David W. Christel screened Plaintiff’s proposed complaint, identified deficiencies in the proposed complaint, and directed Plaintiff to file an amended complaint curing several deficiencies, including a failure to name proper defendants or allege personal participation of defendants in the alleged wrongdoing. (Dkt. No. 3.) Judge Christel granted Plaintiff leave to amend his complaint, and re-noted Plaintiff’s application to proceed IFP. (*Id.*) On August 12, 2022, Plaintiff filed a proposed amended complaint. (Dkt. No. 4.)

1 On September 7, 2022, Judge Christel issued a Report and Recommendation (“R&R”) recommending that the Court dismiss Plaintiff’s complaint without prejudice for failure to state a
2 claim and deny Plaintiff’s IFP application. (Dkt. No. 8.) Judge Christel found that Plaintiff had
3 failed to correct the deficiencies present in his original complaint and recommended that the
4 Court deny Plaintiff further leave to amend. (*Id.*)


5 On September 21, 2022, Plaintiff filed objections to Judge Christel’s R&R, requesting an
6 additional 30 days to correct the deficiencies in his complaint. (Dkt. No. 9.) Plaintiff stated that
7 his knowledge of the law was limited and that he hoped to secure legal assistance shortly. (*Id.*)
8 On September 23, 2022, Plaintiff paid the filing fee.

9 On November 16, 2022, the Court declined to adopt Judge Christel’s R&R and granted
10 Plaintiff leave to amend his complaint so he could address the deficiencies identified by Judge
11 Christel. (Dkt. No. 10.) On December 16, 2022, Plaintiff filed an amended complaint. (Dkt.
12 No. 12.)

13 Plaintiff’s most recent amended complaint still appears to contain the deficiencies
14 contained in his earlier complaints. Plaintiff’s amended complaint still names only Pierce
15 County and NaphCare Inc. as defendants. (Dkt. No. 12.) Plaintiff’s amended complaint still
16 fails to state the alleged wrongdoing of any named defendant who was acting under color of law.
17 (*Id.*)

18 For the reasons identified in Judge Christel’s R&R, the Court finds that Plaintiff’s
19 amended complaint fails to state a claim upon which relief can be granted. Accordingly,
20 Plaintiff is ordered to show cause, no later than **April 4, 2023**, why his complaint should not be
21 dismissed without prejudice.
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1 Dated this 21st day of March, 2023.

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4 David G. Estudillo
5 United States District Judge
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